

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF:)
COMPLAINT C2011-055)
State Ethics Commission,)
Complainant;)
vs.) **DECISION AND ORDER**
Eddie Lee Moore,)
Respondent.)

STATE ETHICS
COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on January 21, 2011. On March 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Eddie Lee Moore, with a violation of Section 8-13-1110, and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on July 20, 2011 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and Richard H. Fitzgerald. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Eddie Lee Moore, a candidate for Heath Springs Town Council, did fail to timely file an electronic candidate Statement of Economic Interests form on or before July 9, 2010 after being instructed that paper filings were no longer acceptable.

STATEMENT OF FACTS

1. The Respondent, Eddie Lee Moore, was a candidate for Heath Springs Town Council and he was required to file a Statement of Economic Interests form (SEI) as a candidate prior to his election.

2. Commission Investigator Dan Choate testified that during the course of his investigation he determined that Respondent did file a paper SEI on June 29, 2010. On the same day the SEI was returned to Respondent with a letter stating that paper forms were no longer being accepted and that an electronic filing should be made within ten days. By letter dated December 1, 2010, Respondent was advised that his SEI had not been received and a late filing penalty was being levied. By certified letter dated December 22, 2010, Respondent was reminded that the SEI had not been received. By letter dated January 24, 2011, Respondent was advised that a complaint had been filed against him.

3. On January 25, 2011 Investigator Choate left a message at Respondent's telephone concerning the late SEI and penalty accrued. On January 27, 2011 Respondent complied by filing a proper SEI. The outstanding penalty of \$1300.00 remains unpaid.

4. Respondent testified that he had always timely filed on paper and he did not understand the electronic filing system.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Eddie Lee Moore, was a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction
3. Section 8-13-1110 requires an annual filing of a Statement of Economic

Interests form by all public officials. All candidates must also file a Statement of Economic Interests prior to taking office.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Eddie Lee Moore is in violation of Section 8-13-1110; and therefore, Respondent Eddie Lee Moore is assessed a reduced late-filing penalty of \$100.00. The reduced late filing penalty of \$100.00 must be paid within 30 days of receipt of the signed order or it will revert to the original \$1,300.00

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$1,300.00 is, and shall be entered against Respondent, if he fails to pay the reduced late filing penalty.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court

of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$1,300.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Eddie Lee Moore has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 11th DAY OF August, 2011.

STATE ETHICS COMMISSION



EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA